

Categories of Services for 214 Applications  
(Streamline/Non-streamline)

- ASSIGNMENT OF LICENSE
- GLOBAL FACILITIES-BASED SERVICE
- GLOBAL FACILITIES-BASED/GLOBAL RESALE SERVICE
- GLOBAL RESALE SERVICE
- INDIVIDUAL FACILITIES-BASED SERVICE
- INTERCONNECTED PRIVATE LINE RESALE SERVICE
- LIMITED GLOBAL FACILITIES-BASED SERVICE/LIMITED GLOBAL RESALE SERVICE
- LIMITED GLOBAL FACILITIES-BASED SERVICE
- LIMITED GLOBAL RESALE SERVICE
- INMARSAT AND MOBILE SATELLITE SERVICE
- SWITCHED RESALE SERVICE
- TRANSFER OF CONTROL
- SUBMARINE CABLE LANDING LICENSE
- INTERNATIONAL SPECIAL PROJECT

Description of Application:

Services to Bulgaria & Romania  
and Denmark, Finland, Philippines, Thailand &

Services to Cuba, Brazil, Panama,  
Finland, Norway, Mexico, Maldives, & Palau  
Switzerland, Sweden, & Tunisia, St. Vincent,  
UK, Barbados, & Trinidad & Tobago  
to Cyprus - to be  
submitted as a separate

FDC/MELLOW APR 12 1999

**KELLEY DRYE & WARREN LLP**  
1200 19TH STREET, N.W.  
WASHINGTON, DC 20036

FIRST UNION NATIONAL BANK  
WASHINGTON, DC

05408

15-122/540  
00480

April 12, 1999

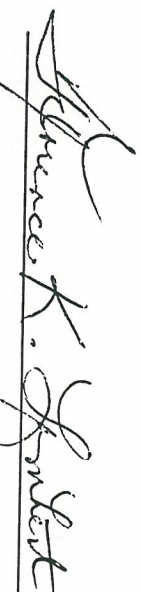
PAY TO THE ORDER OF Federal Communications Commission

\$ 780.00

Seven-Hundred and Eighty-----00/100-----DOLLARS

MEMO Filing fee 009525.006

⑈005408⑈ ⑆054001220⑆ 2000034690853⑈



READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

(1) LOCKBOX # 358.115

PAGE NO. 1 OF 1

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)  
Kelley Drye & Warren LLP

(3) TOTAL AMOUNT PAID (dollars and cents)

(4) STREET ADDRESS LINE NO. 1

1200 19th Street, N.W.

(5) STREET ADDRESS LINE NO. 2

Suite 500

(6) CITY

Washington, D.C.

(7) STATE

(8) ZIP CODE

20036

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202) 955-9600

(10) COUNTRY CODE (if not in U.S.A.)

USA

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B. IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 158-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

Cable & Wireless Global Networks Limited (Ireland)

(12) STREET ADDRESS LINE NO. 1

6 Fitzwilliam Square

(13) STREET ADDRESS LINE NO. 2

(14) CITY

Dublin 2, Ireland

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)

033-353-1404-0400

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE. MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 158-C)

SECTION C - PAYMENT INFORMATION

(21A) FCC CALL SIGN OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(21A) FEE DUE FOR PTC IN BLOCK 2A

\$ 780.00

(22A) FCC CODE 1

(20B) PAYMENT TYPE CODE (PTC)

(22B) QUANTITY

(22A) FEE DUE FOR PTC IN BLOCK 2B

(18A) FCC CALL SIGN OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(18B) QUANTITY

(18A) FEE DUE FOR PTC IN BLOCK 2C

(23B) FCC CODE 1

(20D) PAYMENT TYPE CODE (PTC)

(23C) QUANTITY

(23B) FEE DUE FOR PTC IN BLOCK 2D

(18C) FCC CALL SIGN OTHER ID

(20E) PAYMENT TYPE CODE (PTC)

(18D) QUANTITY

(18C) FEE DUE FOR PTC IN BLOCK 2E

(23C) FCC CODE 1

(20F) PAYMENT TYPE CODE (PTC)

(23D) QUANTITY

(23C) FEE DUE FOR PTC IN BLOCK 2F

(18D) FCC CALL SIGN OTHER ID

(20G) PAYMENT TYPE CODE (PTC)

(18E) QUANTITY

(18D) FEE DUE FOR PTC IN BLOCK 2G

(23D) FCC CODE 1

(20H) PAYMENT TYPE CODE (PTC)

(23E) QUANTITY

(23D) FEE DUE FOR PTC IN BLOCK 2H

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(24) PAYER TIN

0135335107

APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION SIGNATURE  
Joan W. Griffin

(PRINT NAME)

Certify under penalty of perjury that the foregoing and supporting information are true and correct to the best of my knowledge, information and belief. SIGNATURE

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD

MASTERCARD/NOVA ACCOUNT NUMBER

EXPIRATION DATE

MONTH YEAR

(29) VISA

Have you authorized the FCC to charge my VISA or MASTERCARD for the service/plan/extension/line item described?

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC RUBBER STAMP ON REVERSE

FCC FORM 158 JULY 1997 (REVISED)

KELLEY DRYE & WARREN LLP  
A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1200 19<sup>TH</sup> STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

FACSIMILE

(202) 955-9792

NEW YORK, NY  
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BRUSSELS, BELGIUM  
HONG KONG

April 12, 1999

AFFILIATE OFFICES  
BANGKOK, THAILAND  
JAKARTA, INDONESIA  
MANILA, THE PHILIPPINES  
MUMBAI, INDIA  
TOKYO, JAPAN

Federal Communication Commission  
International Bureau  
Telecommunications Division  
P.O. Box 358115  
Pittsburgh, PA 15251-5115

Attn: Susan O'Connell

Re: Application of Cable & Wireless Global Networks Limited (Ireland) for  
Authority Pursuant to Section 214 of the Communications Act of 1934, as  
Amended, to Operate As a Facilities-Based and Resale Carrier Between the  
U.S. and International Points as Listed in Attachment A

Dear Sir or Madam:

Cable & Wireless Global Networks Limited (Ireland), by its attorneys, hereby submits for filing an original and five (5) copies of its above-captioned application. Enclosed is a duplicate of this filing and a return envelope. Please date-stamp the duplicate upon receipt and return it in the envelope provided. Also enclosed is a check in the amount of \$780.00 for the filing fee.

Please do not hesitate to call me at the above referenced number if you should have any questions regarding this matter.

Sincerely,



Joan M. Griffin  
Its Attorney

JG:nrr

Enclosures

DC01/GRIFJ/78771.1

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
)  
)  
**CABLE & WIRELESS GLOBAL** )  
**NETWORKS LIMITED (Ireland)** )  
)  
File No. ITC - \_\_\_\_\_  
)  
**Application for Authority Under** )  
**Section 214 of the Communications** )  
**Act of 1934, as Amended, to Operate** )  
**as a Facilities-Based and Resale** )  
**Carrier Between the U.S. and** )  
**International Points as Listed in** )  
**Attachment A** )

**APPLICATION**

Cable & Wireless Global Networks Limited (Ireland) ("CWGN" or "Applicant"), by its attorneys and pursuant to Section 214 of the Communications Act of 1934, as amended ("the Act") and Section 63.18(e)(6) of the Commission's Rules, 47 C.F.R. § 63.18(e)(6), hereby requests authority to operate as a facilities-based and resale carrier. CWGN seeks authority to serve the international points listed in Attachment A.

CWGN is affiliated with foreign carriers in all of the countries for which authority is requested in this Application. Each of these countries is a Member of the World Trade Organization ("WTO"). Thus, grant of authority to CWGN is appropriate under the rules and policies established by the Commission in its *Foreign Participation Order*.<sup>1</sup> CWGN

<sup>1</sup> *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket Nos. 97-142 and 95-22, *Report and Order on Reconsideration*, 12 FCC Rcd 23,891 (1997) ("*Foreign Participation Order*").

recognizes that its authorization to provide facilities-based service on the routes requested will be subject to the benchmark settlement rate condition adopted in the Commission's *Benchmark Settlement Rates Order*<sup>2</sup> and thus that it will be unable to provide facilities-based service on any particular route until the settlement rates of CWGN's foreign affiliate on the route are within benchmark. CWGN accepts this condition, except to the extent that the condition is found to be unlawful.

In five of the countries for which authority is requested – the Philippines, Bulgaria, Indonesia, Pakistan, and Thailand -- the Commission has already found, in granting similar authority to a related Cable & Wireless company, Cable & Wireless, Inc. (“C&WUSA”), that CWGN's foreign affiliate lacks market power. *See Cable & Wireless, Inc.*, Order, Authorization and Certificate, File No. I-T-C-97-335, released January 20, 1998 (the Philippines); *Cable & Wireless, Inc.*, File No. I-T-C-98-136, released April 2, 1998 (Bulgarian, Indonesia, Pakistan, and Thailand). Accordingly, CWGN requests that the Commission classify CWGN as a non-dominant carrier in its provision of service to these countries. In all other countries for which authority is requested, CWGN agrees to accept dominant carrier treatment.

CWGN requests that the Commission process this Application in accordance with its streamlined processing procedures. Streamlined processing is appropriate under Section 63.12(c) of the Commission's Rules, because each of the countries for which authority is requested is a member of the WTO, and either the Commission has already

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<sup>2</sup> *See International Settlement Rates*, Report and Order, 12 FCC Rcd 19806 (1997) (“*Benchmark Settlement Rates Order*”).

found that the foreign affiliate lacks market power or CWGN agrees to dominant carrier treatment.

Pursuant to Section 63.18 of the Commission's Rules, CWGN sets forth the following information in support of this Application:

- (a) The name, address, and telephone number of the Applicant is:  
  
Cable & Wireless Global Networks Limited (Ireland)  
6 Fitzwilliam Square  
Dublin 2, Ireland  
Phone: +011-353-1-404-0400
- (b) CWGN is a corporation organized under the laws of Ireland.
- (c) Correspondence concerning this Application should be sent to:  
  
Philip V. Permut  
Joan M. Griffin  
KELLEY DRYE & WARREN LLP  
1200-19<sup>th</sup> Street NW  
Suite 500  
Washington, D.C. 20036  
Phone: (202) 955-9600  
Fax: (202) 955-9792
- (d) CWGN currently holds Section 214 authority to provide facilities-based service on the U.S.-U.K. route. *See* Cable & Wireless Global Network Organisation Limited (Ireland), File No. I-T-C-98-497, effective August 19, 1998.
- (e) CWGN is applying for authority to operate as a facilities-based and resale carrier for the provision of service to the international points listed in Attachment A. CWGN seeks this authority pursuant to Section 63.18(e)(6) of the Commission's Rules.
- (f) No response required.
- (g) CWGN will use previously authorized facilities to provide its facilities-based services and thus this Application is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules.

- (h)
- (1) As evidenced by the certification provided in Attachment B, CWGN is affiliated with foreign carriers in the countries listed in Annex 1 to that Attachment.
- (2) CWGN is ultimately 100 percent owned by Cable and Wireless plc ("C&W plc"), a company organized under the laws of England and Wales.<sup>3</sup> C&W plc is a holding company for a number of telecommunications operations worldwide. There are no shareholders that control ten percent or more of C&W plc. At present, CWGN has no interlocking directorates with any other U.S. common carrier.
- (3) As evidenced by the certification provided in Attachment B, CWGN is indirectly affiliated with a U.S. carrier, C&WUSA. CWGN proposes to resell the facilities-based international services of C&WUSA, as well as the facilities-based international services of other U.S. carriers.
- (4) No response required.
- (5) Every country for which authority is requested in this Application and in which CWGN has a foreign affiliate is a member of the WTO.
- (6) Every country for which authority is requested in this Application and in which CWGN has a foreign affiliate is a member of the WTO.
- (7) See response to (h)(8) below.
- (8) CWGN requests non-dominant treatment in its provision of service to the Philippines, Bulgaria, Indonesia, Pakistan, and Thailand. Non-dominant treatment is appropriate on these routes because the Commission has already found, in granting authority to a related Cable & Wireless company, C&WUSA, that CWGN's foreign carrier affiliate in these countries lack market power. See *Cable & Wireless, Inc., Order, Authorization and Certificate*, File No. I-T-C-97-335, released January 20, 1998 (the Philippines); *Cable & Wireless, Inc.*, File No. I-T-C-98-136, released April 2, 1998 (Bulgaria, Indonesia, Pakistan and Thailand). On all other routes, CWGN accepts dominant carrier treatment.
- (i)
- As evidenced by the certification provided in Attachment B, CWGN certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.

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<sup>3</sup> The address of C&W plc is 124 Theobalds Road, London WC1X 8RX, England.



- (j) As evidenced by the certification provided in Attachment B, CWGN certifies that no party to this Application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (k) Streamlined processing is appropriate for this Application under Section 63.12 of the Commission's Rules because, for every country for which authority is requested in this Application, either CWGN has a foreign affiliate, but the country is a member of the WTO and the FCC has already determined that the foreign affiliate lacks market power; or CWGN has a foreign affiliate, but the country is a member of the WTO and CWGN has agreed to accept dominant carrier status.

For the reasons stated herein, the Commission should grant the authority requested in this Application.

Respectfully Submitted,

**CABLE & WIRELESS GLOBAL  
NETWORKS LIMITED (Ireland)**

By: Anthony Scott / gmc  
Anthony Scott<sup>4</sup>  
General Manager and Director

Philip V. Permut  
Joan M. Griffin  
KELLEY DRYE & WARREN LLP  
1200-19<sup>th</sup> Street NW  
Suite 500  
Washington, D.C. 20036  
(202) 955-9600

Its Attorneys

Date: 4/12/99

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<sup>4</sup> Pursuant to Section 1.743(b) of the Rules, this Application is signed by CWGN's counsel on its behalf as all representatives of CWGN are absent from the U.S.

Attachment A

COUNTRIES FOR WHICH AUTHORITY IS REQUESTED

- Antigua
- Barbados
- Bulgaria
- Dominica
- Fiji
- Grenada
- Indonesia
- Macao
- Maldives
- Pakistan
- Panama
- Philippines
- Solomon Islands
- St. Lucia
- St. Vincent
- Thailand
- Trinidad & Tobago

CERTIFICATION

The undersigned hereby certifies, on behalf of Cable & Wireless Global Networks Limited (Ireland) ("CWGN") and with respect to the foregoing application of CWGN, that:

1. CWGN is not a foreign carrier (as that term is defined in Section 63.18(h)(1)(ii) of the Commission's Rules).
2. CWGN is affiliated with foreign carriers that operate in the countries listed in Annex 1 to this Certification.
3. CWGN is affiliated with Cable & Wireless, Inc., a facilities-based U.S. carrier whose services CWGN plans to resell.
4. CWGN has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
5. No party to this Application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

By: Anthony Scott/gms  
Anthony Scott<sup>5</sup>  
General Manager and Director

Date: 4/12/99

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<sup>5</sup> Pursuant to Section 1.743(b) of the Rules, this Application is signed by CWGN's counsel on its behalf as all representatives of CWGN are absent from the U.S.

Annex 1 to Attachment B

**COUNTRIES IN WHICH CABLE & WIRELESS plc POSSESSES  
25 PERCENT OR GREATER COMMON DIRECT OR INDIRECT  
OWNERSHIP IN A CARRIER**

Anguilla	Pakistan
Antigua	Panama
Ascension Island	Philippines
Australia	Russia
Barbados	Seychelles
Bermuda	St. Helena
British Virgin Islands	St. Kitts & Nevis
Bulgaria	St. Lucia
Canada	St. Vincent
Cayman Islands	Solomon Islands
China	Thailand
Diego Garcia	Tonga
Dominica	Trinidad & Tobago
Falkland Islands	Turks & Caicos
Fiji	United Kingdom
Grenada	Vanuatu
Hong Kong	Yemen
Indonesia	
Jamaica	
Japan	
Macao	
Maldives	
Montserrat	